

REMARKS

In view of the above amendments and the arguments set forth below, the Applicant respectfully requests reconsideration of claims 1-8 and 23-30 and allowance of these claims together with previously allowed claims 31 and 32.

I. THE TELEPHONE INTERVIEW

The Applicant appreciates the telephone interview conducted between Examiner Knox and Applicant's attorney Russell Culbertson on September 5, 2006. The Applicant's attorney and the Examiner discussed a proposed version of this response in the interview. Although no agreement as to allowability was reached in the telephone interview, the Examiner indicated that the proposed amendment appeared to overcome the rejection stated in the Final Office Action as to claims 1 and 6, and suggested that the Applicant proceed with filing the response.

II. THE AMENDMENTS

Claims 1 and 6 are amended above to clarify that the trigger group module is placed in the operation position prior to bringing the upper and lower receivers together and reattaching the upper and lower receivers. This method for placing the trigger group module and attaching the upper and lower receivers is disclosed in Figures 4 and 5 and in the disclosure text regarding those figures.

1 III. CLAIM 1 IS NOT ANTICIPATED BY THE MURTZ REFERENCE

2 The Final Office Action rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by
3 Kimber Model 82 U.S. Government Bolt-Action Rifle (the “Murtz page 658 reference”). The
4 Applicant respectfully submits that claim 1 is not anticipated by the Murtz page 658 reference.

5 The above amendment to claim 1 is intended to follow generally the suggestion set out in
6 the Final Office Action at section 14 relating to the fact that the trigger group module in the
7 present invention is placed in the operating position independently of the upper receiver.
8 However, rather than introduce the term “independently” into the claims, the above amendments
9 clarify that, after the trigger group module is placed in the operating position in the lower
10 receiver, the upper and lower receiver are both brought together and then reattached.

11 The Murtz page 658 reference does not teach or suggest first placing a trigger group
12 module in an operating position in a lower receiver and then bringing the upper and lower
13 receiver together while the trigger group module remains in the operating position. Rather, the
14 Murtz page 658 reference discloses placing the trigger group assembly 2 in the stock 16
15 concurrently with bringing the receiver 1 and stock 16 together.

16 Because the cited reference does not disclose all of the limitations required in claim 1, the
17 Applicant believes that claim 1 is in condition for allowance together with its dependent claims,
18 claims 2-5 and 23-26.

19 It is noted that the Applicant continues to disagree with the Office Action characterization
20 of the middle portion of the stock 16 in the Murtz page 658 reference as a lower receiver. The
21 stock 16 in the Murtz page 658 reference does not form any portion of the receiver in that
22 firearm.

1 The Office Action makes the following statements at section 10.

2 The Examiner considers the middle portion of the stock with a trigger receiving
3 opening to be a lower receiver, since it provides housing for the firing mechanism
4 (trigger group 2) as defined by 27 CFR 479.11.
5

6 Without the middle portion of 16 defined as the lower receiver, the firearm would
7 not have a full receiver since nothing would house the firing mechanism.

8 With regard to these two statements, the Applicant does not agree that the middle portion of the
9 stock 16 from the Murtz page 658 reference provides housing for the firing mechanism. In fact,
10 the housing for the firing mechanism in the Murtz page 658 reference is the housing for the
11 trigger group assembly shown generally add reference numeral 2 in the Murtz page 658
12 reference. The middle portion of stock 16 in the Murtz page 658 reference simply provides a
13 gripping surface for the firearm and does not form a housing for any portion of the firearm. The
14 housing associated with trigger group assembly 2 in the Murtz page 658 reference houses the
15 firing mechanism whether or not the stock 16 is attached. In fact, it appears that the firing
16 mechanism and remainder of the firearm would be fully operational even if stock 16 is removed,
17 although the removal of the stock would leave no convenient gripping surface for holding the
18 rifle and no structure for shouldering the rifle.
19

20 IV. CLAIM 6 IS NOT OBVIOUS OVER THE MURTZ PAGE 658 REFERENCE IN VIEW
21 OF THE CHRISTAKOS PATENT

22 The Final Office Action rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable
23 over the Murtz page 658 reference in view of U.S. Patent No. 3,785,243 to Christakos (the
24 “Christakos patent” or “Christakos”). The Applicant respectfully submits that the proposed
25 combination of the Murtz page 658 reference and the Christakos patent does not render claim 6

1 obvious because the proposed combination does not teach or suggest all elements required in
2 claim 6.

3 The Final Office Action cited the Murtz page 658 reference as showing all of the
4 elements set out in claim 6 other than the butt stock connection to the lower receiver, and cited
5 the Christakos patent for showing a rifle having a butt stock connected to a lower receiver.
6 However, neither reference teaches or suggests the step required at elements (b) and (c) in claim
7 6 as amended above. Specifically, neither reference teaches or suggests placing a pre-assembled
8 trigger group module in an operating position in a lower receiver, and, after so placing the pre-
9 assembled trigger group, bringing the lower receiver and upper receiver together to enclose the
10 module housing in the firearm and then securing the upper receiver to the lower receiver.

11 Because the cited references do not teach or suggest all of the limitations required in
12 claim 6, the Applicant believes claim 6 is not obvious in view of the cited references and is in
13 condition for allowance together with its dependent claims, claims 7, 8, and 27-30.

V. CONCLUSION

For all of the above reasons, the Applicant respectfully requests reconsideration of claims 1-8 and 23-30 and allowance of these claims together with previously allowed claims 31 and 32.

If the Examiner should feel that any issue remains as to the allowability of these claims, or that a further conference might expedite allowance of the claims, he is asked to telephone the Applicant's attorney Russell D. Culbertson at the number listed below prior to issuing a further action.

Respectfully submitted,

The Culbertson Group, P.C.

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